

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 24, 1998**

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J., Dunn, J. (Assigned), and V. Salas and R. Hernandez, Deputy Clerks.

B112991      Pelch  
                 v.  
                 City of Los Angeles

Merits:

Argued by S. David Hotchkiss, Deputy City Attorney, for respondent and by Diane Marchant for appellant. Cause submitted.

Justice Ortega leaves the bench.

B116901      International Ins. Co., et al.  
                 v.  
                 S.C.L.A.  
                 (Rhône-Poulenc Basic Chemicals Co., r.p.i.)

Merits:

Argued by Gary L. Fontana and Steven J. Elie for petitioners and by Marc S. Mayerson for real party in interest. Cause submitted.

B108450      People v. Cristales  
B114289      In re Cristales on Habeas Corpus

Merits:

Argued by Sheila A. Keiter for appellant and by Kyle S. Broadie, Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B102908     Molina et al.  
              v.  
              Civil Service Commission of L.A. et al.

Merits:  
Argued by George R. Lomeli for appellants and by Robert F. Hunt for respondents. Cause submitted.

B101406     Wiley  
              v.  
              Patel

Merits:  
Argued by Frank A. Weiser for appellant and by William H. Shibley for respondent. Cause submitted.

Justice Ortega resumes the bench.

B116791     People  
              v.  
              Moore

Merits:  
Argued by Terrence V. Scott for appellant and by David Andrew Eldridge, Deputy Attorney General, for respondent. Cause submitted.

B110549     People  
              v.  
              Howard

Merits:  
Argued by Dianna Summerhayes, Deputy District Attorney, for appellant and by Paula Montez for respondent. Cause submitted.

DIVISION ONE (Continued)

B113293      Pendleton  
                 v.  
                 Fireman

Merits:

Argued by Wendy C. Lascher for appellant and by Peter Hermes for respondent. Cause submitted.

B117294      Truck Insurance Exchange et al.  
                 v.  
                 S.C.L.A.  
                 (Peck/Jones Construction Corp. et al., r.p.i.)

Merits:

Argued by Marc J. Poster for petitioners and by Jerry A. Ramsey for real party in interest. Cause submitted.

B103118      Universal Shopping Plaza  
                 v.  
                 Focus Department Store, Inc.

Merits:

Argued by Nancy P. Doumanian and Martin L. Carpenter for appellant and by Angela P. Lui for respondent. Cause submitted.

B109293      People  
                 v.  
                 Moore

Merits:

Argued by George Schraer for appellant and by Roy C. Preminger, Deputy Attorney General, for respondent. Cause submitted.

Judge Dunn (assigned) leaves the bench.

DIVISION ONE (Continued)

B112854     People  
              v.  
              Jones

Merits:

Argued by Richard L. Schwartzberg for appellant and by M. Susan Sullivan, Deputy Attorney General, for respondent. Cause submitted.

B108823     People v. Good  
B117857     In re Good on Habeas Corpus

Merits:

Argued by Edward H. Shulman for appellant and by Michael J. Wise, Deputy Attorney General, for respondent. Cause submitted.

Justice Ortega leaves the bench.

B106834     People  
              v.  
              Morehouse

Merits:

Argued by Dennis A. Fischer for appellant and by Rama R. Maline, Deputy Attorney General, for respondent. Cause submitted.

Court recesses.

DIVISION ONE (Continued)

The Court reconvened at 1:00 P.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J., and V. Salas and R. Hernandez, Deputy Clerks.

B112510      People v. Russo  
B117780      In re Russo on Habeas Corpus

Merits:

Argued by Jeffrey S. Kross for appellant and by William T. Harter, Deputy Attorney General, for respondent. Cause submitted.

B117776      Hallberg  
                 v.  
                 S.C.L.A.  
                 (Johnson, r.p.i.)

Merits:

Argued by Eric Highsmith for petitioner and by Brian E. Reed for real party in interest. Cause submitted.

B113292      Gutierrez  
                 v.  
                 L.A. Co. Employees Board of Retirement

Merits:

Argued by Margaret L. Oldendorf for appellants and by Thomas J. Wicke for respondent. Cause submitted.

Justice Ortega leaves the bench.

March 24, 1998-Continued

## DIVISION ONE (Continued)

B113019      Hackel  
v.  
California Riviera Homeowners Assoc. et al.

Merits:  
Argued by Ronald M. Katzman for appellant and by Mark A. O'Brien for respondent. Cause submitted.

Court adjourned.

B108135 People (Not for Publication)  
v.  
Bledsoe

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

B113877 People (Not for Publication)  
v.  
Mosby

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Dunn, J. (Assigned)

March 24, 1998-Continued

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

DIVISION TWO

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

DIVISION THREE

B107274      People                                  (Not for Publication)  
v.  
Ruben J. Bontty

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

DIVISION THREE (Continued)

B099319 Ernest Roosevelt Carter, et al. (Not for Publication)

v.

Commercial Bankers Life Insurance Co., et al.

The judgments are affirmed. Each party to bear their own costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B098862 Nuoye Clemmons, et al. (Not for Publication)

v.

John B. Kirkwood, Jr., et al.

The judgments are affirmed as to Kirkwood, T.D. Services, and Burnett.  
Each party to bear their own costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B106732 People (Not for Publication)

v.

Michael Bruce Baker

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.



DIVISION FIVE

B117438      Lisa S.      (Certified for Publication)

v.  
Superior Court, Los Angeles County  
(DCS, r.p.i.)

The petition is dismissed.

Turner, P.J.

We concur:   Grignon, J.  
                  Armstrong, J.

B113105      People      (Not for Publication)

v.  
Benjamin L. McAllister

The judgment is affirmed.

Turner, P.J.

We concur:   Grignon, J.  
                  Armstrong, J.

B108131      People      (Not for Publication)

v.  
Manuel Flores

The judgment is affirmed.

Turner, P.J.

We concur:   Grignon, J.  
                  Armstrong, J.

March 24, 1998-Continued

DIVISION SIX

[illegible]

The finding that Keith was in violation of probation because of the commission of child abuse is reversed. The matter is remanded for a new probation violation hearing.

Gilbert, J.

We concur: Stone, P.J.  
Coffee, J.

B112239      People                          (Not for Publication)  
v.  
Houk

The judgment is affirmed.

Gilbert, J.

We concur:   Stone, P.J.  
                      Yegan, J.

## DIVISION SEVEN

B107605      Bashkin      (Not for Publication)  
v.  
Sorosky

The judgment is affirmed. Respondents to recover their costs on appeal.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

### March 24, 1998-Continued

DIVISION SEVEN (Continued)

B110234      Cater-Craft Foods, Inc.      (Not for Publication)  
v.  
Hi-Way Transfer, Inc.

The motion to dismiss the appeal is granted. The requests for sanctions are denied. Each party is to bear its own costs incurred in connection with the appeal and motion to dismiss.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

B109690 Meadows Management Company, et al., (Not for Publication)  
v.  
United States Fidelity & Guaranty Company, et al.

The judgment as to USF & G is reversed and the cause is remanded to the trial court with instructions to enter a new order overruling the demurrer and denying the motion for sanctions. Appellants to receive costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

B114046 Lucille H. (Not for Publication)  
v.  
Los Angeles County Dept. of Children & Family Services

The order is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

March 24, 1998-Continued

DIVISION SEVEN (Continued)

B095241      Linden Partners, etc., et al.

v.

Wilshire Linden Associates, etc., et al.

Filed order certifying opinion for publication.